

EPA August 17, 2016
Information Request Letter to Scott
Rosmarin
("C" Document(s))



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVE

EDISON, NEW JERSEY 08837

AUG 17 2016

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number 701

Mr. Scott Rosmarin
"The Rosmarins"
12 School Road
Monroe, New York 10950

RE: Request for Information by U.S. Environmental Protection Agency, Region 2

Dear Mr. Rosmarin:

We have received an inquiry regarding your compliance with Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act, (42 U.S.C. § 4852d), and the implementing Regulations at 40 C.F.R. 745, Subpart F (Disclosure of known lead-based paint and/or lead-based paint hazards upon sale or lease of residential property), at 12 School Road, Monroe, New York. Our records indicate that this address meets the definition of target housing (housing built before 1978).

The Disclosure Rule requires an owner/lessor (landlord) to provide certain statements and information to the buyer/lessee (tenant) before renting or selling target housing. The Disclosure Rule also requires the agent, for the purpose of selling/renting housing, to ensure compliance with the requirements of the Disclosure Rule prior to the sale/renting of said housing. Failure or refusal to comply with the Disclosure Rule is a prohibited act under the Toxic Substances Control Act § 409, (15 U.S.C. § 2689), that could result in the assessment of a fine.

Renovations performed at target housing are also regulated. These activities are regulated under the Renovation, Repair, and Painting Rule (RRP Rule), section 402(c) of the Toxic Substances Control Act (TSCA). Please note that *target housing* is defined in the Rule to mean **any** housing constructed prior to 1978 with few exceptions (see 40 CFR 745.103). Vacant homes and apartments are covered by these regulations.

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children.

The RRP Rule requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools (target housing) be certified by EPA and that they use certified renovators who are trained by EPA-accredited training providers to follow lead-safe work practices. The term *renovation firm* includes skilled contractors and subcontractors, including *sole proprietorships, owners of residential rental properties, and property management companies* who use their own employees to conduct regulated activities that disturb lead-based paint in target housing.

Failure or refusal to comply with the Renovation, Repair and Painting Rule (RRP) is a prohibited act under TSCA § 409, 15 U.S.C. § 2689, that could result in the assessment of a fine.

Several enclosures have been included with this letter:

- A list of questions regarding the above mentioned Disclosure Rule and RRP Rule. Your answers to these questions will be evaluated by the U.S. Environmental Protection Agency (EPA) to determine your level of compliance with these Regulations
- An affidavit, which must be completed and returned along with your response and any documents that you provide; EPA Form 7740-4, TSCA Inspection Confidentiality Notice. Please sign and return this form with your response. This form is to acknowledge your right to claim information collected by the EPA as confidential if it relates to trade secrets or to commercial or financial matters that you consider to be confidential business information (CBI). It does not mean that you have made such a claim; and
- A compliance assistance package to provide you with more information about the RRP Rule requirements.

The above information should be submitted within **twenty (20) business days of receipt of this letter**. Please note that detailed instructions for submitting the requested information can be found on the enclosed list of questions.

If you have any questions, you may contact Beverly Solley at 732-321-4373 or solley.beverly@epa.gov. The following website includes useful information about both Rules: <http://www.epa.gov/lead/>. Additional information about the Disclosure Rule requirements can be found in the official regulation text which is available by searching 40 CFR 745, Subpart F, at <http://www.ecfr.gov>. Information about the RRP Rule requirements can be found in the official regulation text which is available by searching 40 CFR 745, Subpart E, at <http://www.ecfr.gov>.

Thank you for your cooperation in this matter.

Sincerely,



John Gorman, Chief
Pesticides and Toxic Substances Branch
Enclosures

**Questions Regarding Renovations conducted at:
12 School Road Monroe, New York 10950**

Please provide a written response including the following information and any other information that you believe to be relevant:

1. Name, address, original date of construction, and number of residential dwelling units, as defined by 40 C.F.R. 745.103, of any residential rental properties (with an original construction date before 1978) that you either own or with which you have an ownership interest, or those that you manage or with which you have a management interest.
2. If you are not the owner of any properties identified in the answer to the previous question, provide the current owner name(s) and addresses.
3. Copies of 10 leases issued or renewed during the period 01/01/2016 through the present for each of the properties listed in Item 1 (or if verbal agreement, then a record of payment or other rental documentation). Copies must include the initial leases and any renewals, as executed, and any attachments including lead disclosure forms (please exclude studio apartments). **Please note that any financial or personal identification information is not required and can be redacted;**
4. Provide one sample copy of each form(s) pertaining to the disclosure of lead-based paint and/or lead-based paint hazards that is provided to the lessee(s).
5. Names and addresses of any real estate agents who received compensation as a result of the above-mentioned property lease(s).
6. Copies of any information relating to lead paint in properties identified in item number 1, including but not limited to: a) Test results of lead-based paint; b) Lead-Paint-related inspection reports and/or violation notices from state or local agencies; c) mortgage/refinancing environmental reviews.
7. Names and addresses of any firms doing renovation or lead abatement work at the above properties within the last twelve months.
8. A description of any renovation work done by your firm or by firms on your behalf (e.g., subcontractors) from 01/01/2016 to the present. In addition to a general description or scope of work, please indicate:
 - a) The original date of construction for the building which was renovated;
 - b) The name and address of the owner(s) of the building;
 - c) The name(s), address (es), and the scope(s) of work or copy (ies) of written contracts, for each entity with which you contracted work for renovations at the above referenced address. Include the start and end dates for each phase of work;
 - d) Emergency conditions, if any, that contributed to the need for renovation;
 - e) The approximate square footage (interior and exterior) of painted surfaces disturbed by the renovation; and
 - f) The type of areas that were renovated (e.g., two-bedroom apartments, studio apartments, common hallways, stairs, lobbies, exterior surfaces, etc.).
 - g) Describe any demolition or window replacement activities.
9. A copy of your RRP Firm Certificate, if you have one.
10. A list of certified renovators (individuals) that are employed by your firm and copies of their training certificates issued by EPA-accredited training providers.
11. A list identifying all workers and/or subcontractors assigned to each renovation/abatement project
12. Copies of documentation signed by the owner or occupant of the property that was renovated acknowledging that the pamphlet "*Renovate Right – The Lead Safe Guide to Renovate Right*" was distributed.

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13. Copies of the record keeping checklist and the training records for the uncertified renovators assigned to the project.
12. Indicate whether or not this work was conducted in Federally-assisted housing or was paid for in full or in part with Federal funds. Please identify any agencies involved, if applicable.
13. Proof of payment for renovation services rendered.

Please note that **all** of the above questions must be answered. Failure to answer each question fully will result in a determination that your response to the Information Request Letter is incomplete. If information is not known or is not applicable, you should state this in your answer.

Please be advised that failure to provide the information requested may result in the issuance of a subpoena pursuant to Section 11 of TSCA, 15 U.S.C. § 2610(c), to obtain the requested information. EPA reserves the right to further pursue this matter and to inspect your place of business to ensure compliance with federal lead-based paint regulations. In addition, be advised that knowingly making any false statement or omission may result in penalty and/or imprisonment pursuant to TSCA, 18 U.S.C. § 1001. Please submit all of the public (non-confidential) information and documents requested within **twenty (20) business days** to the following address:

Beverly Solley
U.S. Environmental Protection Agency
Region 2 Lead Team
2890 Woodbridge Ave MS 225
Edison, New Jersey 08837

If any of the information that you are submitting is Confidential, as described in the enclosure, "TSCA Inspection Confidentiality Notice" (EPA Form 7740-4), please state that in the cover letter to be included with the confidential information and follow these instructions:

- All information to be claimed "confidential" must be clearly identified as such by means of a stamp or similar marking on each page.
- The confidential information should be placed in an envelope and sealed. The outside of this envelope should be labeled as follows:

Mark Bean, Document Control Officer
Confidential information – to be opened by addressee only

- The sealed envelope should be placed in a mailer envelope and sent to:

Mark Bean
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue MS 105
Edison, NJ 08837

- The mailer envelope should NOT indicate that the contents are confidential. No confidential information should be sent to **Beverly Solley**, who was identified in the enclosed cover letter. It is recommended that all confidential information be sent to EPA using a traceable delivery service. Do not send confidential information through electronic mail.

If you have any questions, please contact **Beverly Solley** at 732-321-4373 or solley.beverly@epa.gov.